

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF SOUTH CAROLINA
ROCK HILL DIVISION

Bobbie J. Tumbleston, Jr.,

Plaintiff,

v.

Carolyn W. Colvin,
Acting Commissioner of Social Security,

Defendant.

Civil Action No. 0:13-cv-00152-CMC-PJG

ORDER

The Defendant, Carolyn W. Colvin, Acting Commissioner of Social Security, by her attorneys, William N. Nettles, United States Attorney for the District of South Carolina, and Barbara M. Bowens, Assistant United States Attorney, has moved the court, pursuant to 42 U.S.C. § 405(g), to enter a judgment with an order of reversal with remand of the cause to the Commissioner for further administrative proceedings.

On order of the court, this case will be remanded to the Appeals Council. The Appeals Council will remand the case to an Administrative Law Judge with instructions upon remand to: further evaluate Plaintiff's medically determinable impairments and determine which, if any, constitute severe impairments; further evaluate Plaintiff's subjective complaints; clarify Plaintiff's residual functional capacity; and obtain vocational expert testimony to clarify the effect of the assessed limitations on Plaintiff's occupational base.

Pursuant to the power of the court to enter a judgment affirming, modifying, or reversing the

Commissioner's decision with remand in Social Security actions under sentence four of 42 U.S.C. § 405(g), and in light of the Commissioner's request for remand of this action for further proceedings, and without opposition by Plaintiff, the court hereby

REVERSES the Commissioner's decision under sentence four of 42 U.S.C. § 405(g) with a **REMAND** of the cause to the Commissioner for further administrative proceedings as set out above.¹ *See Shalala v. Schaefer*, 509 U.S. 292 (1993).

AND IT IS SO ORDERED.

S/ Cameron McGowan Currie
CAMERON MCGOWAN CURRIE
UNITED STATES DISTRICT JUDGE

Columbia, South Carolina
September 10, 2013

¹ The Clerk will enter a separate judgment pursuant to the Federal Rules of Civil Procedure, Rule 58.